

**STATEMENT OF FACTS**

1. Applicant filed a patent application on 15 October 2001 setting forth claims 1-15.
2. The U.S. Patent and Trademark Office mailed a non-final Office action on 28 August 2003 (Paper No. 6). The Examiner rejected claims 1-15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-15 were rejected under 35 U.S.C. §102(e) as being anticipated by Cheney et al. (U.S. Patent No. 6,519,283). Concerning the rejection in Paper No. 6, a large portions of the text were quoted from the reference by the Examiner, however, the particular parts being relied on for all of the elements of the claims were not provided in Paper No. 6.
3. Applicant filed an Amendment on 25 November 2003. Claims 1, 6 and 10 were amended. The Amendment filed on 25 November 2003 included remarks respectfully requesting the Examiner provide Applicant with clarification of the particular parts being relied on for all of the elements of the claims under 37 C.F.R. §1.104.
4. The U.S. Patent and Trademark Office mailed a final Office action on 16 January 2004 (Paper No. 8). Claims 1-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Cheney et al. (U.S. Patent No. 6,519,283) in Paper No. 8. In regard with the rejection in Paper No. 8, the Examiner did not provide Applicant with complete clarification of the particular parts being relied on for all of the elements of the claims.

5. The Applicant filed a petition under 37CFR§1.181 for a request for reconsideration and withdrawal of the finality of the rejection on 16 March 2004.
6. The U.S. Patent and Trademark Office mailed an Advisory Office action on 24 March 2004 (Paper No. 10) stating that for the purposes of appeal the proposed amendment (the petition under 37CFR §1.181) will be entered and that the request for reconsideration has been considered but does not place the application in condition for allowance because the final office action is not premature and that the applicant has not argued about the prior art teachings of the claim limitation set forth in claim 1.